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December 8, 2015

By ECF

The Honorable Marilyn D. Go
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Sayfullozoda v. Colon et al., 15-cv-2336-JBW-MDG (EDNY)

Dear Judge Go:

This Office represents Wilfred Colon, Thomas Woodyard, Joseph Guzman, Dominic Napolitano, and Richard Dyer ("State Defendants") in the above-referenced civil action. We write on behalf of Plaintiff and State Defendants to respectfully request that the Court extend the completion date for discovery and the deadline for the parties to file motions for leave to amend the complaint or join new parties each by one month to allow the parties to pursue settlement negotiations. There has been no prior request for an extension of the discovery deadline. There has been only one previous request for an extension to the deadline for the parties to file motions for leave to amend the complaint or join new parties. (ECF No. 26). On November 26, 2015, the Court granted State Defendants' request for a one-week extension to the deadline for the parties to file motions for leave to amend the complaint or join new parties.

The parties have been diligently conducting fact discovery. Both parties have served written interrogatories and document requests. Plaintiff provided this Office with an executed HIPAA-compliant release, which was sent to Plaintiff's medical provider. We have received those medical records, and Plaintiff's counsel has informed this Office that Plaintiff has not received any other medical care relevant to this case.

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The parties believe that this is an appropriate time to focus on exploring a possible resolution before attorney's fees, which may be compensable in this case pursuant to 42 U.S.C. § 1988, increase further due to the remaining discovery, including responses to interrogatories and document requests and party depositions, and risk becoming an impediment to settlement. Prior to commencing settlement discussions, this Office requires time to evaluate settlement and obtain the appropriate settlement authority as set forth in N.Y. Public Officers Law § 17. The settlement authority process is a multi-level approval process. The current discovery deadlines do not provide this Office with sufficient time to evaluate Plaintiff's claims for settlement and attempt to obtain settlement authority prior to the January 15, 2016 deadline for the next status report while simultaneously pursuing discovery and responding to Plaintiff's discovery requests. Thus, we respectfully request that the current February 29, 2015 deadline for completion of fact discovery be extended to March 29, 2016; and the current December 22, 2015 deadline for the parties to file any motions for leave to amend the complaint or join new parties be extended to January 22, 2016.

We thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michelle R. Lambert". The signature is fluid and cursive, with the first name "Michelle" being more prominent than the last name "Lambert".

Michelle R. Lambert
Assistant Attorney General

cc: Jeffrey A. Rothman, Esq. (by ECF)